

**OCCUPATIONAL SAFETY
AND HEALTH STANDARDS BOARD**

2520 Venture Oaks, Suite 350
Sacramento, CA 95833
(916) 274-5721
FAX (916) 274-5743
www.dir.ca.gov/oshsb

**NOTICE OF PROPOSED MODIFICATION TO****CALIFORNIA CODE OF REGULATIONS****TITLE 8: Chapter 4, Subchapter 7, Article 98, Section 5001
of the General Industry Safety Orders****Cranes and Other Hoisting Equipment-Signals**

Pursuant to Government Code Section 11346.8(c), the Occupational Safety and Health Standards Board (Standards Board) gives notice of the opportunity to submit written comments on the above-named standards in which modifications are being considered as a result of public comments and/or Board staff consideration.

On January 18, 2007, the Standards Board held a Public Hearing to consider revisions to Title 8, Section 5001 of the General Industry Safety Orders. The Standards Board received comments on the proposed revisions. The standards have been modified as a result of these comments and Board consideration.

A copy of the full text of the standards with the modifications clearly indicated, are attached for your information. In addition, a summary of all comments regarding the original proposal and staff responses is included.

Any written comments on these modifications must be received by 5:00 p.m. on April 8, 2007, at the Occupational Safety and Health Standards Board, 2520 Venture Oaks Way, Suite 350, Sacramento, California 95833. The standards will be scheduled for adoption at a future business meeting of the Standards Board.

The Standards Board's rulemaking files on the proposed action are open to public inspection Monday through Friday, from 8:00 a.m. to 4:30 p.m., at the Standards Board's office at 2520 Venture Oaks Way, Suite 350, Sacramento, California 95833.

Inquiries concerning the proposed changes may be directed to Keith Umemoto, Executive Officer at (916) 274-5721.

**OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD**

Date: March 23, 2007

Keith Umemoto, Executive Officer

PROPOSED MODIFICATIONS
(Modifications are indicated in bold,
double underline wording for new language,
and bold, ~~strikeout~~ for deleted language.)

**STANDARDS PRESENTATION
TO
CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD**

PROPOSED STATE STANDARD,
TITLE 8, CHAPTER 4

Amend Section 5001 to add a new subsection (f) to read as follows:

§ 5001. Signals.

(a) A signal person shall be provided when the point of operation is not in full and direct view of the operator unless a signaling or control device is provided for safe direction of the operator.

(b) Only qualified persons shall be permitted to give signals.

EXCEPTION: A stop signal may be given by any person.

(c) A uniform signal system shall be used on all operations and if hand signals are used, they shall be clearly understood by the operator. (Note: For recommended hand signals, see Plate I.)

(d) Signal systems other than manual shall be protected against unauthorized use, breakage, weather or obstruction which will interfere with safe operation. In the event of any known malfunction, an alternate signal system shall be used or all motion shall be stopped.

(e) There shall be conspicuously posted in the vicinity of the hoisting operations, a legible chart depicting and explaining the system of signals used.

(f)(1) When there is a potential for accidental contact by cranes operating within the **boom** swing radii of one another, the employer shall ensure effective communication to notify crane operators and signal persons of the presence of other cranes.

(2) Where two-way radios are used, a dedicated frequency shall be provided for communication among operators.

NOTE: Authority cited: Section 142.3, Labor Code. Reference: Section 142.3, Labor Code.

SUMMARY AND RESPONSE TO COMMENTS

SUMMARY AND RESPONSE TO ORAL AND WRITTEN COMMENTS:

I. Written Comments

There were no written comments received.

II. Oral Comments

Oral comments received at the January 18, 2007, Public Hearing in Costa Mesa, California.

Mr. Victor Esparza, Safety Representative, Operating Engineers, Local 12.

Comment:

Mr. Esparza described an accident involving a collision between two tower cranes that occurred because the operators were on different frequencies. Mr. Esparza recommended the proposal require operators to be on the same radio frequency.

Response:

The Board acknowledges and agrees with Mr. Esparza's statement regarding a single, dedicated frequency for operators using two-way radios.

The Board thanks Mr. Esparza for his comment and participation in the Board's rulemaking process.

Mr. Kevin Bland, Attorney, The Bland Law Group.

Comment:

Mr. Bland representing the California Framing Contractors Association and Residential Contractors Association, stated that the advisory committee discussed the use of radio frequency communication and dedicated channels to eliminate interruptions and that this is addressed in the proposed language.

The Board thanks Mr. Bland for his clarifying comment and participation in the rulemaking process.

Elizabeth Arioto, Board Member.

Comment No. 1:

Ms. Arioto asked for the purpose of conspicuously posting a signal chart at the jobsite (given only qualified persons are permitted to give signals), and where the chart is to be located.

Response:

Conspicuous posting of the signal chart is to ensure that operators and signal persons from other jobsites, or those trained according to a different signal system will be aware of the signal system to

be used on the site they are working. Signal charts are usually posted on the crane, however, existing language in Section 5001 does not rule out posting the chart at any other location, provided it is conspicuous.

Comment No. 2:

Ms. Arioto asked if general contractors should be involved in the communication responsibility outlined by the proposal and if this was discussed by the advisory committee.

Response:

Construction Safety Orders (CSO) Section 1511(b) requires the construction site employer to determine predictable hazards and the kinds of safeguards needed to prevent accidents and protect workers (pre-job planning). Consistent with Section 1511, the CSO addresses the need for contractor safety programs, advance planning for construction activities and a code of safe practices. The advisory committee recognized Section 1511 and believes the proposed language compliments the pre-job planning standards contained therein.

Dr. Jonathan Frisch, Board member.

Comment:

Dr. Frisch asked if the proposal is clear as to whether the dedicated frequency pertains to all cranes involved in site operations or if there would need to be a separate frequency for each crane.

Response:

All cranes at risk of coming in contact with each are to be on a single, dedicated radio frequency.

Mr. John MacLeod, Board Chairman.

Comment:

Chairman MacLeod asked if a dedicated radio frequency would be used only by the two crane operators at risk for inadvertent contact and whether there might be other people on the same frequency giving instructions to the crane operators.

Response:

The dedicated frequency would be used by only those crane operators and signalpersons involved on the job site. The use of a dedicated frequency eliminates crosstalk that may occur from others in the vicinity.